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Docket No.: M4065.0762/P762
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chandra Mouli

Application No.: 10/681,108

Confirmation No.: 8110

Filed: October 9, 2003

Art Unit: 2891

For: ULTRA-SHALLOW PHOTODIODE
USING INDIUM

Examiner: L. Thai

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 16, 2005, Applicant hereby provisionally elects Group I, Claims 1-11 and 16-19, for continued examination, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed by the Examiner in this case.

The total number of claims would not appear to pose any serious burden. Only four additional claims would need to be considered in withdrawing the restriction. The

subject matter of the four claims is closely related to that of the provisionally elected claims and would not require extra searching by the Examiner. Accordingly, the Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims.

Applicant respectfully solicits issuance of claims 1-19.

Dated: May 24, 2005

Respectfully submitted,

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